

Talking Points in Defense of a “NO” Vote on Shays-Meehan Final Passage

--Shays-Meehan is unconstitutional.

- Restrictions on political parties and their activities have been held unconstitutional by the Supreme Court in 1996 and recently in the remanded district court case in Colorado.
- Shays-Meehan’s definition of “express advocacy” (to include mere *references* to candidates) has already been declared unconstitutional by the Supreme Court and at least 14 other courts since 1976.
- Shays-Meehan’s regulation of issue advocacy activities by anyone who “communicates” with a candidate, regardless of whether there is an “express advocacy” message, is directly contrary to the landmark campaign finance case, *Buckley v. Valeo*.

--Shays-Meehan is riddled with loopholes, making campaign finance regulation even more complex and inconsistent than it already is. Examples of loopholes include:

- \$10,000 per-donor, per-year soft money loophole for each of the thousands and thousands of state and local party committees
- Allowing soft money for redistricting
- Allowing joint fundraising committees
- Allowing conduit contributions
- Allowing soft money to buy billboards, direct mail, telephone, and door-to-door political activities
- Delaying the effective date of the soft money provisions until after the November 2002 election so that soft money can be shifted to other outlets

--Shays-Meehan would dampen the political participation of average citizens.

- Average citizens participate in politics by pooling their resources through donations to political parties and issue groups.
- By restricting soft money, issue-ads, and coordination with candidates, Shays-Meehan would therefore restrict political participation nationwide.
- Shays-Meehan would discourage grassroots activism by implementing a complicated web of new regulations on top of the already burdensome campaign finance system.
- These regulatory complexities would likely keep many activists from organizing and may encourage local organizations to disband rather than attempt to comply with Washington.

--Shays-Meehan would unconstitutionally curtail the free speech (“issue advocacy”) of ideological, non-profit organizations within 60 days of a general election and 30 days of a primary.

- These pre-election periods are just the times when citizens are most politically aware.

- Legislative activity could be occurring during these periods (such as last year when Congress was in session well past Election Day); citizen groups would therefore be prevented from communicating about government activity regardless of its relevance to an upcoming election.

--**Shays-Meehan would federalize certain state party activity.**

- The bill would require only hard money to be used for state party activity if a federal candidate is up for election, even though such activity is legal under state law and intended to aid state candidates.

--**Shays-Meehan would increase the relative power of special interests and the media—the exact opposite of what “reform” is supposed to do.**

- Neither lobbyists nor the media would be impeded by the complicated regulations of Shays-Meehan, thereby increasing their political power relative to issue-advocates, political parties, and citizen activists.

--**Shays-Meehan would make campaigns longer and more negative.**

- The 30- or 60-day soft-money blackout periods would only serve to make campaigns longer, as groups interested in shaping the issues of an election cycle would likely begin their ad campaigns earlier.
- Negative ads would be used more frequently, since negative ads tend to be more effective and memorable.

--**Shays-Meehan would weaken get-out-the-vote, voter registration, party-platform-building, and membership drives by sharply curtailing soft money.**

- Despite publicity to the contrary, Shays-Meehan would not actually ban soft money.
- It would ban soft money to the national parties—not to the state and local parties.

--**Shays-Meehan would not adjust the current contribution limits for inflation.**

- Though the hard-money individual contribution limit for House candidates would increase from the \$1000 limit set in 1974 to \$2000, such an adjustment would have fully accounted for inflation in 1982—not in 2002.
- This insufficient adjustment would continue to force candidates to spend more time fundraising and less time conducting official business.

--**Shays-Meehan would violate *all six* of President Bush’s campaign reform principles that he outlined last year.**

- “Protect Rights of Individuals to Participate in Democracy”
- “Maintain Strong Political Parties”
- “Ban Union and Corporate Soft Money”
- “Eliminate Involuntary Contributions”
- “Require Full and Prompt Disclosure” (*of contributions and expenditures designed to influence the outcome of federal elections*)
- “Promote Fair, Balanced, Constitutional Approach”